

HOUSE JOINT MEMORIAL 31

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

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A JOINT MEMORIAL

CALLING FOR THE HOUSE OF REPRESENTATIVES TO SUPPORT TRIBAL LANGUAGE SURVIVAL, AND REQUESTING THE FULFILLMENT OF STATUTORY OBLIGATIONS REGARDING THE 2003 INDIAN EDUCATION ACT AND THE STATE BILINGUAL MULTICULTURAL EDUCATION ACT.

WHEREAS, Article 14, Number 1 of the United Nations Declaration on the Rights of Indigenous People, adopted on September 13, 2007 by General Resolution 61/295, states: "Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages in a manner appropriate to their cultural methods of teaching and learning."; and

WHEREAS, Article 14, Number 3 says: "States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children,

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1 including those living outside their communities, to have  
2 access, when possible, to an education in their own culture and  
3 provided in their own language."; and

4 WHEREAS, Public Law 101-477, enacted October 30, 1990 as  
5 Title I – Native American Languages Act (Section 102) states:  
6 "The Congress finds that – (2) special status is accorded  
7 Native Americans in the United States, a status that recognizes  
8 distinct cultural and political rights, including the right to  
9 continue separate identities; (3) the traditional languages of  
10 Native Americans are an integral part of their cultures and  
11 identities and form the basic medium for the transmission, and  
12 thus survival, of Native American cultures, literatures,  
13 histories, religions, political institutions, and values; (6)  
14 there is convincing evidence that student achievement and  
15 performance, community and school pride, and educational  
16 opportunity is clearly and directly tied to respect for, and  
17 support of, the first language of the child or student; and (7)  
18 it is clearly in the interests of the United States, individual  
19 states, and territories to encourage the full academic and  
20 human potential achievements of all students and citizens and  
21 to take steps to realize these ends."; and

22 WHEREAS, Public Law 101-477, enacted October 30, 1990 as  
23 Title I – Native American Languages Act (Section 104) states:  
24 "It is the policy of the United States to – (1) preserve,  
25 protect, and promote the rights and freedom of Native Americans

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1 to use, practice, and develop Native American languages; (3)  
2 encourage and support the use of Native American languages as a  
3 medium of instruction in order to encourage and support – (A)  
4 Native language survival, (B) educational opportunity, (C)  
5 increased student success and performance, (D) increased  
6 student awareness and knowledge of their culture and history,  
7 and (E) increased student and community pride; (4) encourage  
8 State and local education programs to work with Native American  
9 parents, educators, Indian tribes, and other Native American  
10 governing bodies in the implementation of programs to put this  
11 policy into effect."; and

12 WHEREAS, the president, on December 14, 2006, signed into  
13 law HR 4766, the Esther Martinez Native American Languages  
14 Preservation Act of 2006, amending the Native American Programs  
15 Act of 1974 to provide for the revitalization of Native  
16 American languages through Native American language immersion  
17 programs; and

18 WHEREAS, the United States department of education's under  
19 secretary, Martha J. Kanter, acknowledged the importance of  
20 language to tribes across the country as an educational  
21 priority conveyed by the tribal leaders and community at the  
22 tribal consultations of 2009; and

23 WHEREAS, the 2010 national congress of American Indians  
24 resolution ABQ-10-021, titled "Declaring Native American  
25 Languages in a State of Emergency and an Executive Order on

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1 Native Languages", states that "the NCAI does declare Native  
2 languages in a State of Emergency and urges the White House to  
3 adopt this proposed Executive Order in order to prevent seventy  
4 Native languages from becoming extinct in the next five years",  
5 and it further states that "the proposed Executive Order honors  
6 President Obama's campaign promise to support Native language  
7 revitalization"; and

8 WHEREAS, the national Indian education association has  
9 stated in its recommendations to improve the Elementary and  
10 Secondary Education Act of 1968 that Title I include schools  
11 using a Native language as the medium of instruction and that  
12 Title III amendments include provisions and funding to support  
13 Native language instruction and remove barriers to full-fledged  
14 instruction in Native languages; and

15 WHEREAS, New Mexico's 2003 Indian Education Act states  
16 that the purpose of the Indian Education Act, Sections 22-23A-1  
17 through 22-23A-8 NMSA 1978, is to "ensure maintenance of native  
18 languages"; and

19 WHEREAS, the 2007-003 all Indian pueblo council resolution  
20 describes the maintenance of Native American languages as a key  
21 issue for tribal communities, noting that "Native languages and  
22 their use by children have experienced a sharp decline in the  
23 last ten years" and that the all Indian pueblo council "does  
24 hereby affirm that the revitalization and preservation of our  
25 languages and ceremonies is of the highest priority"; and

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1           WHEREAS, the 2005 Indian education summit between the  
2 office of the governor and New Mexico's twenty-two tribes  
3 identified the transmission of Native tribal languages to, and  
4 their maintenance by, New Mexico Native American youth as one  
5 of the top priorities in the education of Native American  
6 children; and

7           WHEREAS, the 2009 Native American solutions summit and the  
8 2010 tribal summit identified tribal language maintenance as a  
9 major contributor to the academic success of Native American  
10 students; and

11           WHEREAS, the 2010-09 all Indian pueblo council resolution  
12 supported the 2010 strong starts for children initiative, which  
13 recently facilitated community forums in which tribal community  
14 members participated and that identified Native American  
15 language development as a priority for early childhood  
16 education in Native American communities; and

17           WHEREAS, current research on early childhood education by  
18 Wong Fillmore (1991a; 1991b; 1991c; 2000), Romero-Little (2003;  
19 2008; 2009; 2010) and others points to the importance of  
20 creating early foundations in heritage language development as  
21 a means for future academic success (Cummins, 1976; 1991); and

22           WHEREAS, longitudinal research of bilingual, one-way and  
23 dual-language programs in schools points to the benefits of  
24 long-term support for heritage language learning, finding that  
25 such support helps close the achievement gap when high-quality

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1 and consistent programs of instruction are provided throughout  
2 the early years of schooling (Collier, 1992; Collier & Thomas,  
3 2004; 2005; Cummins, 2000; Genesee, 1987); and

4 WHEREAS, recent research findings from the New Mexico 2010  
5 Indian education study group report identified the overwhelming  
6 desire of Native American students to have tribal language  
7 instruction provided in public schools; and

8 WHEREAS, New Mexico state legislators established the  
9 Indian Education Act of 2003 to "ensure that the department of  
10 education partners with tribes to increase tribal involvement  
11 and control over schools and the education of students located  
12 in tribal communities"; and

13 WHEREAS, the 2008 establishment of the American Indian  
14 language policy research and teacher training center at the  
15 university of New Mexico through a United States department of  
16 education seed grant has provided assistance to tribes and  
17 schools in language maintenance and revitalization efforts;

18 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
19 STATE OF NEW MEXICO that it recognize the unique status of New  
20 Mexico's Native American languages and that protection and  
21 preservation of these languages represents New Mexico's  
22 commitment to its multicultural and multilingual heritage; and

23 BE IT FURTHER RESOLVED that the legislature acknowledge  
24 the valuable and significant role that New Mexico's Native  
25 American languages play in the survival of native communities

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1 and cultures; and

2 BE IT FURTHER RESOLVED that the legislature recognize that  
3 New Mexico's native languages are important for improving the  
4 academic success of Native American children by providing  
5 opportunities for them to embrace their tribal language  
6 heritage, thus enhancing their educational experience and  
7 achievement; and

8 BE IT FURTHER RESOLVED that the legislature support these  
9 efforts by ensuring that resources attached to the Indian  
10 Education Act be focused on adequate support of tribally  
11 controlled language initiatives; and

12 BE IT FURTHER RESOLVED that the legislature recognize that  
13 establishing and sustaining a strong infrastructure for  
14 language development and maintenance initiatives for Native  
15 Americans, from birth through adulthood, requires technical  
16 assistance and ongoing training support provided through the  
17 American Indian language policy research and teacher training  
18 center; and

19 BE IF FURTHER RESOLVED that copies of this memorial be  
20 transmitted to the secretary of public education and the  
21 assistant secretary for Indian education.